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IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Constt: Petitions No.D-398, 466, 505, 519, 545 602 659, 686, 697, 699, 714, 738, 739, 748, 750, 770, 772, 776, 809, 830, 864, 899, 914, 915, 916, 917, 918, 972, 992, 1038, 1074, 1075, 1088, 1095,1096, 1122, 1130, 1143, 1167, 1218, 1248, 1256, 1261, 1271, 1275, 1284, 1311, 1317, 1321, 1332, 1348, 1350, 1353, 1358 1363, 1375, 1397, 1412, 1423. 1440, 1449, 1451 and 1467 of 2013, D-07, 21, 22, 31, 46, 93, 102, 114, 115, 131, 132, 149, 151,152, 157, 159, 161, 171, 179, 186, 187,188, 193, 196, 205, 207, 214, 215, 226, 229, 236, 237, 239, 246, 249, 251, 255, 256, 270, 272, 273, 282, 283, 284, 285, 296, 298, 309, 320, 328, 332, 342, 343, 353, 354, 375, 391, 472, 473, 474, 535, 537, 568, 586, 588, 597, 603, 630, 633, 691, 694, 698, 710, 715, 733, 740, 763, 765, 768, 781, 785, 803, 856, 860, 889, 901, 902, 904, 913, 921, 925, 953, 959, 966, 967, 969, 980 and 1081 of 2014.

Present:

Mr.Justice Muhammad Shafi Siddiqui-J.
Mr. Justice Aftab Ahmed Gorar-J

Mr.Sarfraz Khan Jatoi,
Mr.Inyatullah G. Morio,
Mr.Abdul Rehman Bhutto,

Mr. Liaquat Ali Baloch,
Mr.Abdul Sattar Janveri,
Mr.Ali Raza Pathan,
Mr. Noorullah G. Rind,
Mr.Ali Azhar Tunio,
Mr.Mubashir Ali Solangi,
Mr.Faiz Mohammad Larik,
Mr.Rashid Mustafa Solangi,
Mr.Mohammad Aslam Suprro,
Mr.Mohammad Ashiq Dhamrah,
Mr.Syed Fida Hussain Shah,
Mr.Habibullah G. Ghouri,
Mr.Ahmed Hussain Khoso,
Mr.Nisar Ahmed G. Abro,
Mr.Mohammad Saleem Jessar,
Mr.Mohammad Afzal Jaghirani,
Mr.Riaz Ahmed Soomro,
Mr.Mir Mumtaz Ali Ghouri,
Mr.Irfan Badar Abbasi,
Mr.Suhail Ahmed Khoso,

Mr.Zafar Ali Malghani,

Mr.Ali Bux Mashori,
Mr.Zahid Hussain Thaheem,
Mr.Ghulam Murtaza Jokhio,
Mr.Ali Nawaz Ghanghro,
Mr.Ghulam Dastaghir Shahani,
Mr.Mir Mohammad Buriro,
Mr.Azizullah Buriro,
Mr.Ashfaque Hussain Abro,
Mr.Irfan Haider Khichi,
Mr.Mohammad Hashim Soomro,
Mr.Mohammad Aslam Jatoi,
Mr.Rafique Ahmed Abro,
Mr.Imdad Ali Tunio,
Mr.Aijaz Ali Bukhari,
Mr.Syed Aijaz Ali Shah,
Mr.Ghayoor Abbas Shahani,
Mr.Shamsuddin Abbasi,
Mr.Ghulam Mohammad M. Bozdar
Mr.Altaf Hussain Khoso,
Mr.Mohammad Soomar,
Mr.Gulab Rai Jessrani,
Mr.Riaz Hussain Khoso,
Mr.Imtiaz Ahmed Shahani,
Mr.Mukhtiar Ahmed Khoso,
Mr.Sajid Hussain Mehessar,
Mr.Kamaluddin Bhatti,
Mr.Saeed Ahmed Leghari,
Mr.Athar Abbas Solangi,
Mr Saleemullah Abbasi,
Mr.Bahadur Ali Shahani,
Mr.Altaf Hussain Surahio,
Mr.Safdar Ali Ghouri,
Mr.Mazhar Ali Bhutto,
Mr.Saleem Raza Jakhar,
Mr.Zahid Hussain Chandio,
Mr.Khadim Hussain Khoso,
Mr.Naushad Ali Tagar,
Mr.Suhendar Kumar Gemnani,
Mr.Syed Gous Ali Shah,
Mr.Mohammad Aslam Mugheri,
Mr.Aijaz Ahmed Bhutti,
Mr.Ghulam Mohammad Pathan,
Mr.Mohammad Akram Kamboh,
Mr.Abid Hussain Qadri,
Mr.Rasool Bux Soomro.

Learned counsel for the petitioners.

Mr.Abdul Hamid Bhurgri, A.A.G a/w Messrs Naimatullah Bhurgri, Ameer Ahmed Narejo, Ali Raza Pathan, Syed Fida Hussain Shah, Qazi Mohammad Bux, Abdul Rasheed Abro, Miss Shazia Surahio and Mrs.Shamim Khokher, State Counsel.

Mr.Abdul Razzak Jamali appearing on behalf of the N.T.S, present in Court waives notice.

Date of hearing : 25.09.2014
Date of judgment: 25.09.2014.

ORDER

AFTAB AHMED GORAR J-. This is a bunch of connected cases, wherein the grievances of the petitioners concisely are that the education program in terms of Teachers Recruitment Policy, 2012 has not been adhered to its letter and spirit.

2. Learned counsel for petitioners submit that the criteria that has been laid down for appointment of the candidates and the criteria of awarding marks to candidates from Union Council/ Taluka/District have not been followed. They have further submitted that the marks in terms of the academic qualifications, such as Masters Degree/Bachelor, Degree/FA/FSc and Matriculation certificates on priority basis have not been awarded however, the marks in terms of professional qualification viz. PTC, C.T, B.Ed and M.Ed were not part and parcel of Teachers Recruitment Policy, 2012 Round III. Learned counsel further submitted that District Recruitment Committee and Complaint Redressal Committee were required to strictly act in accordance with the guidelines as given in Teachers Recruitment Policy, 2012 Round III and conduct comprehensive verification and examination of CNIC, D-Form/PRC, Domicile and determine the UC of the candidate on the basis of concrete evidence including NADRA record as mentioned in the

CNIC (Permanent Address) as well as academic and professional certificates issued by the recognized institutions duly verified and their date of announcement of results on or before the closing date of advertisement (20th June,2012) and also the proof of disability and minority Certificates/Documents issued by the competent authority but they have failed to act in letter and spirit and committed several irregularities in violation of Teacher Recruitment Policy, 2012 Round III. Learned counsel submitted that since questions which requires the scrutiny of the different candidates in terms of the Teachers Recruitment Policy, 2012 Round-III, is not followed, therefore, it would not be possible within the jurisdiction of this Court to independently scrutinize the cases of individual candidates. Learned counsel also submitted that though the petitioners have been discriminated and disregarded as far as application of Teachers Recruitment Policy, 2012 Round-III is concerned, they submit that those who have been appointed, were in violation and in derogation of the aforesaid policy and that while considering the cases of the petitioners, those who have already been appointed, their documents vis-a-vis their candidature and entitlement should also be scrutinized on the touchstone of the policy referred above. Learned counsel further submitted that the criteria for selection and appointment provided under Teachers Recruitment Policy, 2012 Round-III, was fair, just and reasonable and that any selection and appointment made in violation of criteria in the said policy is liable to be cancelled being unlawful and of no legal effect.

3. We have heard learned counsel from both sides. Counsel from both sides unanimously agreed for disposal of all these petitions with the direction that the concerned Complaint Redressal Committee shall follow the procedure laid down in the Teachers

Recruitment Policy, 2012 Round-III while scrutinizing case of all these petitioners and decide their case individually within 60 days, while preparing the revised merit list. In doing so and while preparing revised list of the candidates/petitioners only those who would be considered eligible shall be re-listed and all appointments made contrary to this policy shall be nullified. Needless to mention that while nullifying the appointment of any candidate or petitioner reasonable notice of hearing shall be given to the candidate who would likely to be affected by such order. This exercise shall be completed within 60 days from the date of this order with detailed report to this Court through Additional Registrar.

4. With these observations the petitions are disposed of. We may however, observe that despite the cases of aggrieved candidates were decided by District Recruitment Committee, yet those candidates were not satisfied and they moved their complaints and for their disposal, the Complaint Redressal Committee was constituted but regrettably it appears that Complain Redressal Committee is still not following the mandate of Teachers Recruitment Policy, 2012 Round-III . We may observe that in case while preparing revised list, if the Complaint Redressal Committee still commits any violation or act in derogation of policy, appropriate action against the delinquents shall be initiated which may include contempt proceedings.

JUDGE

JUDGE